

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 03/07/2022	NUMBER 04.04.140
SUBJECT FUNERAL AND SICK BED VISITS		SUPERSEDES 04.04.140 (11/29/2021)	
		AUTHORITY MCL 791.203; 791.265a; Administrative Rule 791.4415	
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POLICY STATEMENT:

Prisoners in Correctional Facilities Administration (CFA) facilities may be granted funeral and sick bed visits as set forth in this policy.

RELATED POLICIES:

04.04.135 Custodial Transportation of Offenders (Exempt)

POLICY:

DEFINITIONS

- A. Private Funeral - A funeral service or viewing held at a specific time at a funeral home or place of worship and restricted in attendance to immediate family members only.
- B. Immediate Family Member - A grandparent, parent, step-parent, spouse, child, step-child, grandchild, sibling, step-sibling, half-sibling or an aunt/uncle if verification is provided that they served as a surrogate parent.

GENERAL INFORMATION

- C. Prisoners do not have a right to funeral visits or sick bed visits or the right to view a funeral via video or to participate in a sick bed visit via video. However, the Warden or designee shall ensure effort is made to allow a prisoner to view the funeral of an immediate family member via video or to participate in a video visit with a critically ill immediate family member as set forth in Paragraphs R and S. The Warden or designee may also permit an eligible prisoner to leave a facility under escort to visit a critically ill immediate family member in a hospital or medical care facility or to attend the private funeral of an immediate family member. The determination of whether the family member is critically ill shall be made by the attending physician. All in-person funeral and sick bed visits shall be restricted to in-state destinations.
- D. A prisoner is eligible to be considered for an in-person funeral or sick bed visit only if they have a true security Level of I OR II. A prisoner serving a life sentence is eligible to be considered only if a commutation has been granted by the Governor or a parole release date has been established by the Parole Board, and the prisoner has served at least 15 calendar years with good institutional adjustment.
- E. A prisoner may be approved for not more than a cumulative total of 30 days of funeral and sick bed visits during their current incarceration. Each funeral and sick bed visit shall count as one day regardless of the actual length of time of the visit. Funeral and sick bed visits shall not be approved for more than 12 hours in length, including travel time; however, if a prisoner is required to travel more than 500 miles round trip, the CFA Deputy Director or designee may authorize a visit for up to 24 hours in length.

ESCORT COSTS

- F. All escort costs (including salary, fringe benefits, travel, meals and lodging) shall be borne by the prisoner, the prisoner's family, or the Prisoner Benefit Fund (PBF). Staff designated by the Warden shall calculate the estimated cost of the visit and notify whoever is paying of that cost as soon as possible. Funds from the prisoner's family to pay estimated escort costs must be received directly by the facility prior to the visit, unless the Warden authorizes the funds to be deposited instead with the funeral home, hospital, or medical care facility prior to the visit. All funds received from the prisoner's family must be

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in the form of a check issued with funds guaranteed by a bank or credit union (e.g., cashiers check; certified check), unless otherwise approved by the Warden. However, cash payment is not to be accepted under any circumstances.

- G. Escort duty shall be performed on a voluntary basis by qualified, off-duty Corrections Officers who are not related to the prisoner by blood or marriage. Escort officers shall be compensated in accordance with Civil Service Commission rules and the Department of Technology, Management, and Budget (DTMB) Standardized Travel Regulations. Receipts for all expenses, including meals, shall be required for officer reimbursement. Pay shall be only for actual hours worked. Each escort officer shall be fully paid for escort duty on the next regular payroll.
- H. The actual escort cost shall be calculated after the prisoner has returned from the funeral or sick bed visit. If the actual cost is less than the estimated cost, the difference shall be refunded to the person who paid the estimated cost unless that person wants it deposited in the prisoner's account or, if paid by the PBF, returned to the PBF.

REQUIRED INFORMATION FOR APPROVED VISITS

- I. The following information shall be obtained and documented prior to an in-person funeral visit:
 - 1. Contact person's name, address and telephone number;
 - 2. Name of the deceased and relationship to prisoner;
 - 3. Date and time of the service or viewing;
 - 4. Name, address, and telephone number of the funeral home or place of worship where the service or viewing will be held and, if necessary, directions to that location;
 - 5. Confirmation from the funeral home or place of worship that the service or viewing will be limited to immediate family members only;
 - 6. Confirmation of death from the funeral director;
 - 7. Confirmation that custodial escort is available;
 - 8. Confirmation of estimated escort cost and that funds have been received to cover that cost. The name, address and telephone number of the person who paid the estimated cost also shall be confirmed.
- J. The following information shall be obtained and documented prior to an in-person sick bed visit:
 - 1. Contact person's name, address and telephone number;
 - 2. Patient's name and relationship to prisoner;
 - 3. Attending physician's name and telephone number and confirmation from the physician that the patient is critically ill;
 - 4. Name, address, and telephone number of the hospital or medical care facility and, if necessary, directions to that location;
 - 5. Confirmation that custodial escort is available;
 - 6. Confirmation of estimated escort cost and that funds have been received to cover that cost. The name, address and telephone number of the person who paid the estimated cost also shall be confirmed.

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SECURITY MEASURES

- K. The Warden or designee shall determine proper security measures required for each escorted prisoner. At least the minimum staff, restraint equipment, chemical agents, and weapons described in the CFA Transportation Manual shall be used. Additional staff, restraint equipment, chemical agents, or weapons shall be used at the discretion of the Warden or designee. A visit shall not be authorized when qualified staff are not available, when adequate security cannot be provided, or when, in the opinion of the Warden or designee, the visit would place the public, staff, or prisoner unduly at risk.
- L. The Warden shall ensure that the local law enforcement agency with jurisdiction over the area in which the funeral or sick bed visit will occur is notified in advance of the visit.
- M. An escort officer shall not use a privately-owned vehicle to transport a prisoner.
- N. At least one escort officer shall remain with the prisoner at all times, except when the prisoner is lodged for an overnight stay. A prisoner shall be lodged only in a jail or an appropriate CFA facility when circumstances of the visit require that the prisoner be absent from the sending facility overnight.
- O. While on a funeral visit, a prisoner's non-travel movement shall be limited to necessary areas within the interior of the funeral home or place of worship where the service or viewing is conducted. A prisoner on a sick bed visit shall be limited in non-travel movement to necessary areas within the hospital or medical care facility. In either case, a home or cemetery visit, or participation in any social function before or after the visit, shall not be permitted.
- P. Except for personal undergarments, a prisoner shall be dressed in appropriate state-issued clothing while on a funeral or sick bed visit. Athletic wear shall not be permitted. The escort officer(s) shall be dressed in the Corrections Officer uniform, including a tie, as identified in PD 02.03.103 "Employee Uniforms." When on escort duty, a Corrections Officer shall at all times carry on their person a valid Department identification card, driver license and, when applicable, a concealed weapon permit.
- Q. When time, circumstance, and the availability of scheduled transportation permit, the Warden or designee may temporarily transfer a prisoner to an appropriate CFA facility located closer to the funeral or sick bed visit site. However, a special transportation run shall not be permitted.

VIDEO FUNERAL VIEWINGS AND SICK BED VISITS

- R. The Warden may offer a prisoner the opportunity to view the funeral of an immediate family member via video in lieu of an in-person funeral visit. Prisoners may attend video funeral viewings regardless of their security level. Video Funeral viewings shall be conducted in an area that allows the prisoner to have privacy from other prisoners, and the prisoner's Assistant Resident Unit Supervisor (ARUS)/Prison Counselor or other staff designated by the Warden shall monitor the viewing at all times. If the funeral home or vendor conducting the service charges for recording the service, the prisoner, the prisoner's family, or the PBF shall be responsible for the cost. Only the link provided by the funeral home or vendor conducting the service shall be used (e.g., use of GTL is not permitted).
- S. A prisoner may be granted the opportunity to participate via video in a sick bed visit with an immediate family member who is critically ill in lieu of an in-person sick bed visit. Prisoners may attend video sick bed visits regardless of their security level. Video sick bed visits shall be conducted in an area that allows the prisoner to have privacy from other prisoners, and the prisoner's ARUS/Prison Counselor or other staff designated by the warden shall monitor the visit at all times. Any costs associated with a sick bed video visit shall be borne by the prisoner, the prisoner's family or the PBF.

OPERATING PROCEDURES

- T. If necessary, to implement requirements set forth in this policy directive; Wardens shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- U. A Primary Audit Elements List has been developed and is available on the Department's Document Access

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System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 12/10/2021